



1/16/08 16234

PATENT
Customer No. 22,852
Attorney Docket No. 09797.0004-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Lieven J. STUYVER et al.) Group Art Unit: 1623
)
Application No.: 10/045,292) Examiner: Traviss C. McIntosh, III
)
Filed: October 18, 2001)
)
For: MODIFIED NUCLEOSIDES FOR) Confirmation No.: 4833
THE TREATMENT OF VIRAL)
INFECTIONS AND ABNORMAL)
CELLULAR PROLIFERATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached. With respect to the non-English language documents, EP 0 292 023 A2 and EP 0 409 227 A2, copies of English language abstracts are submitted herewith in lieu of a statement of relevance or translation. See M.P.E.P. 609.04(a)(III).

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Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 20, 2008

By: Krista M. Bianco
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